

**Minutes of the City of Frederick  
Mayor and Board of Aldermen Regular Meeting**

November 19, 2020

7:00 p.m.

Virtual Meeting

- I. Mayor Michael O'Connor presided. Participating were Aldermen Kelly Russell, Derek Shackelford, Roger Wilson and Ben MacShane and Alderwoman Donna Kuzemchak. Also participating were City Attorney Sandra Nickols and Legislative Clerk Phyllis Hane.
- II. The Mayor led the Pledge of Allegiance.
- III. There was no invocation.
- IV. There were no presentations.
- V. The minutes of the October 15, 2020 Virtual Public Meeting and the October 20, 2020 Closed Session were previously distributed. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Wilson the Board voted 4-0 to approve the minutes of the October 15, 2020 Virtual Public Meeting, with Aldermen Russell, Shackelford, Wilson and Alderwoman Kuzemchak in favor. On a motion made by Alderman Russell and seconded by Alderman Wilson the Board approved the minutes of the October 20, 2020 Closed Session 3-0-1, with Aldermen Russell, Shackelford, and Wilson in favor and Alderwoman Kuzemchak abstained.
- VI. There were no closed meetings to report.
- VII. Mayor O'Connor announced the nation has reached a grim milestone as 250,000 Americans have now died of COVID-19. He reminded residents it is important for all of us to do small things to keep everyone safe and encouraged everyone to wear a mask.
- VIII. During Aldermanic comments, Alderman Russell echoed the Mayor's remarks regarding masks. She went on to announce the recently revamped Community Advisory Council of the Metropolitan Washington Council of Governments Transportation Planning Board is seeking applicants. She noted this is the primary source of citizen input for this important body.

Alderman Wilson also echoed the Mayor's comments regarding masks, noting it is the patriotic thing to do. He stated that even as we have reached this unfortunate milestone, he hopes for quick distribution of a vaccine once it is ready. He noted some individuals may be distrustful of the vaccine due to past experiences with vaccines, particularly within the Black community, but encouraged everyone to get the vaccine and stated he will be getting it as well.

Alderwoman Kuzemchak encouraged everyone to wear a mask and wash their hands as an act of courtesy. She reminded everyone to look out for each other.
- IX. Public comments were received.
- X. Consent Agenda

#### A. Release of Surety

On a motion made by Alderman Wilson and seconded by Alderman MacShane the Board approved 5-0 consent agenda item A.1:

1. Approval to release FCB LOC in the amount of \$62,585.88 posted by Hopwood Properties II, LLC to guarantee SEC and SWM at Ballenger Creek Center, Lot 2C, further described in PWA dated 04/05/19

#### B. Permission to Serve Alcohol on Public Property

On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board approved 5-0 consent agenda items B.1 and B.2:

1. Approval of a request by the Downtown Frederick Partnership to allow them to serve beer, wine, and alcohol at their February First Saturday Ice Bar Outdoor Beer Garden for Fire in Ice at Carroll Creek Park Amphitheater and Site C-2 on February 6, 2021 pursuant to Section 6-19 of the City Code and Maryland Annotated Code, Alcoholic Beverages Article, Section 6-321
2. Approval of a request by the Downtown Frederick Partnership to allow them to serve beer and wine at their Alive @ Five outdoor happy hours at Carroll Creek Park Amphitheater and Site C-2 for a total of twenty one dates on the following Thursdays: May 13, May 20, May 27, June 3, June 10, June 17, June 24, July 1, July 8, July 15, July 22, July 29, August 5, August 12, August 19, August 26, September 2, September 9, September 16, September 23, September 30, 2021 pursuant to Section 6-19 of the City Code and Maryland Annotated Code, Alcoholic Beverages Article, Section 6-321

Item B.3, Approval of a request by the Downtown Frederick Partnership to allow them to serve beer and wine at their outdoor pop-up beer gardens in 2020 at Carroll Creek Park Amphitheater and Site C-2 for a total of four dates on the following Saturdays: November 28, December 5, December 12, December 19, with proposed rain dates of November 21, November 29, December 6, December 13, December 20, and December 26, pursuant to Section 6-19 of the City Code and Maryland Annotated Code, Alcoholic Beverages Article, Section 6-32, was pulled prior to the meeting.

#### C. Grants

On a motion made by Alderwoman Kuzemchak and seconded by Alderman Shackelford the Board approved 5-0 consent agenda items C.1 through C.3:

1. Approval of a grant agreement with Maryland Department of Transportation
2. Approval of Second Amendment to Community Services Block Grant Agreement
3. Approval of a FY 2020 CDBG Grant Agreement with U.S. Department of Housing and Urban Development in the amount of \$413,797

#### D. Special Ordinance

On a motion made by Alderwoman Kuzemchak and seconded by Alderman Shackelford the Board approved 5-0 consent agenda item D.1:

1. Approval of Special Ordinance S-20-32 to amend the FY 2021 Budget to include revenue and associated expenditures for a Maryland Department of Transportation Grant

#### E. Resolution of Support

On a motion made by Alderman Shackelford and seconded by Alderwoman Kuzemchak the Board approved 5-0 consent agenda item E.1:

1. Resolution 20-20 in support of Maryland Department of Housing and Community Development Neighborhood BusinessWorks Program financing to Rollins Investment Holdings, LLC to assist with construction cost of Rollins Life Celebration Center

#### XI. Public Hearing

1. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Wilson the Board approved 5-0 a lease with Potomac Edison Company, dba First Energy Corporation for property located at 9450 Gambrill Park Road, Lot #1. There were no public comments.
2. On a motion made by Alderman Wilson and seconded by Alderwoman Kuzemchak the Board approved 5-0 an Agreement with CXT, Inc. in the not to exceed amount of \$147,785.00 and issuance of a purchase order in the amount of \$162,563.50 for the supply and installation of one prefabricated concrete restroom at Westside Regional Park. There were no public comments.
3. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell the Board approved 5-0 a Public Art Donation Agreement with Downtown Frederick Partnership, Inc. to accept an installed art piece at Carroll Creel Linear Park. Additional input was provided by Kara Norman, Executive Director of Downtown Frederick Partnership. There were no public comments.
4. On a motion made by Alderman Russell and seconded by Alderman Shackelford the Board approved 5-0 an Agreement with Segal Waters Consulting in the amount of \$138,000 for a Comprehensive Classification and Compensation Study of City positions. There were no public comments.
5. Item XI.5, approval of an ordinance to amend Section 13-23.1 of the City Code concerning parking near fire hydrants, was pulled from the agenda following discussion. No action was taken.
6. Item XI.6, approval of a resolution to amend Resolution 18-13 concerning fines for parking violations, was pulled from the agenda. No action was taken.

7. On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board approved 5-0 Ordinance G-20-25 to amend Section 6-19 and repeal Section 15-26.2 of the Frederick City Code concerning alcohol on public property with the following revision:

A new Section d (3) is added and states, "Upon request, the Mayor may authorize the consumption of alcoholic beverages in connection with a special event taking place entirely within a structure."

There were no public comments.

8. On a motion made by Alderman MacShane and seconded by Alderman Wilson the Board approved 5-0 Ordinance G-20-26 concerning vacant property registration. Public comments were received.

Mayor O'Connor called for a 10 minute recess at 9:05 p.m. The meeting reconvened at 9:15p.m.

9. On a motion made by Alderman Wilson and seconded by Alderwoman Kuzemchak the Board approved 5-0 a grant agreement with Ausherman Family Foundation. There were no public comments.

10. On a motion made by Alderwoman Kuzemchak and seconded by Alderman MacShane the Board approved 5-0 Special Ordinance S-20-33 to amend the FY 2021 budget for an Ausherman Family Foundation Grant. There were no public comments.

- XII. On a motion made by Alderman Russell and seconded by Alderman Wilson the Board approved 5-0 the appointment of Jennifer Whitmore to the Bicycle Pedestrian Advisory Committee for a four-year term of November 20, 2020 to November 19, 2024.

On a motion made by Alderman Wilson and seconded by Alderwoman Kuzemchak the Board approved 5-0 the appointment of Abigail Effland to the Youth Advisory Commission for a two-year term of November 20, 2020 to November 19, 2022.

- XIII. During Aldermanic comments and new business, Alderman MacShane thanked his colleagues and the residents and encouraged everyone to be smart and be safe for the upcoming holiday.

Alderman Wilson also encouraged everyone to be safe during the upcoming holiday.

Alderwoman Kuzemchak also encouraged everyone to wear a mask and be safe.

Alderman Shackelford wished a happy Thanksgiving to residents, employees and his colleagues. He also commented on the score of the recent Ravens/Steelers game.

Alderman Russell called to the public's attention the approval earlier of a grant agreement with the Maryland Department of Transportation for a bikeway grant in the amount of \$400,000, which will provide an important alternative transportation link in the City. She also echoed her colleagues' sentiment to wear a mask and have a happy Thanksgiving.

- XIV. Mayor O'Connor noted the upcoming holiday season will be unlike any other, however it can still be full of joy and thankfulness. The Mayor also noted the 109 birthday of Omega Psi Phi

fraternity, of which Alderman Shackelford is a member.

XV. There were no committee reports.

XVI. There were no director reports.

XVII. There were no additional public comments.

There being no further official business, the meeting was adjourned at 9:42 p.m.

Respectfully submitted,

Phyllis Hane  
Legislative Clerk